

THE LAW OFFICE OF

ELISA HYMAN, P.C.

April 1, 2024

VIA ECF

Honorable Jesse M. Furman
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *C.G., et al., v. New York City Department of Education, 24 CV 2050*
(JMF)/ Bd. of Educ. of the City School District of the City of N.Y. v. A.G.,
et ano. Case No. 23 CV 9745 (JMF)

Dear Judge Furman:

I represent the Plaintiff, C.G., the parent of A.G., a student with a learning disability, in the above-referenced action 24-cv-2050 and the Defendant in 23-cv-9745. (“C.G.”) I am writing to respectfully request an adjournment of the conference scheduled for Wednesday, April 3, 2024, at 10:00 a.m. in the above-referenced actions. C.G. apologizes for not filing this letter two full business days prior to the conference. Counsel for Plaintiff Board of Education for the City School District of the City of New York (“BOE”) in 23 CV 2050 (“BOE’s counsel”) was out of the office at the time that Your Honor issued the March 25, 2024, orders (ECF No. 6 in 24 CV 2050 and ECF No. 21 in 23 CV 9745). BOE’s counsel returned today and the parties’ counsel were only able to confer about possible adjourn dates this afternoon.

C.G. is making this request for two reasons. First, C.G.’s counsel has a scheduling conflict with a previously scheduled administrative hearing with witnesses on April 3rd. Second, the original complaint in 24 CV 2050 was not yet served. C.G. filed an amended complaint under FRCP 15 today and a summons for the amended complaint, but the clerk’s office advised that the summonses would not be processed until tomorrow afternoon.¹

BOE’s counsel consents to the requested extension subject to the Court’s agreement to extend BOE’s time to respond to the counterclaims interposed in 23 CV 9745, which response is currently due on April 8, 2024. BOE’s counsel respectfully requests that the response to the counterclaims in 23 CV 9745 be due one week after the adjourned date of the conference. C.G. joins in the request, as the conference should be held and the relationship of the cases addressed by the Court prior to the date on which the response should be filed under the circumstances.

¹ C.G. provided a copy of the complaint to BOE’s counsel on March 19, 2024 when it was filed, but before the Court made a determination as to whether the cases were related, but there was a typographical error in the caption (The City of New York was listed twice) and in the summons. C.G. provided a copy of the amended complaint, as well as a track-changed version of it to BOE’s counsel today upon his return.

The parties have the following dates and times available for the proposed adjourned conference, subject to the Court's availability: April 10th 4 p.m., April 11th any time after 3:15 p.m., April 17th at 1, 2 or 4 p.m., April 23rd at 11, 12 or 1 p.m., April 24th at 2:15 p.m. until the end of the day or April 30th, any time after 1 p.m. If none of the above dates and times work for the Court, the parties can propose additional dates and times.

Thank you for Your Honor's attention to this request.

Respectfully Submitted,

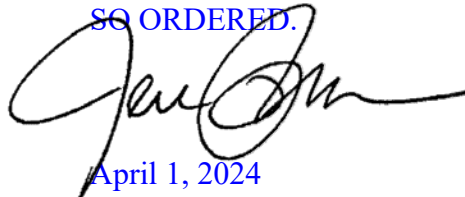
/s/

Elisa Hyman

Cc: Counsel of record

Application GRANTED. The teleconference currently scheduled for April 3, 2024 is hereby RESCHEDULED to **April 11, 2024, at 4:00 p.m.** The call-in instructions remain the same. Unless and until the Court orders otherwise, the BOE shall respond to the Counterclaims in 23cv9745 by **April 18, 2024**. C.G. shall serve a copy of this Order on the Defendants in 24-CV-2050 and file proof of such service on that case's docket by **April 4, 2024**. The Clerk is directed to terminate ECF No. 22 in 23-CV-9745, and ECF No. 10 in 24-CV-2050.

SO ORDERED.



April 1, 2024